



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shimon Weiss

Art Unit: 2877

Application No: 10/561,448

Examiner: F.L. Evans

Confirmation No: 8178

Filed: December 20, 2005

Atty. Docket No: 58086-226455

For: MODULATED EXCITATION
FLUORESCENCE ANALYSIS

Customer No:

26694
PATENT TRADEMARK OFFICE

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated November 30, 2007, Applicant submit formal drawings to replace the informal drawings and a Declaration under 37 C.F.R. § 1.131 to overcome the art-based rejection. There are no amendments to the specification or the claims. However, please replace the drawings in the above-identified U.S. patent application as follows:

Replacement Drawings: Formal replacement drawings in compliance with 37 C.F.R. § 1.84 are attached hereto.

Remarks/Arguments begin on page 4 of this paper.

The **Appendix** includes a Declaration Under 37 C.F.R. § 1.131 by the inventors including a copy of a presentation by one of the co-inventors, Achillefs Kapanidis, at the Single-Molecule Biophysics Conference in Aspen, CO on January 7, 2003 attached as Exhibit A.